IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

Bail Appl..No. 4030 of 2007()

(C.C. NO. 717/2005 of JFCM-I, HARIPPAD
CRIME NO. 114/2005 OF THRIKKUNNAPUZHA POLICE STATION)

PETITIONERIST ACCUSED

REJIKUMAR,S/O.NARAYANAN,
ARAKKACHIRAYIL,KAROOR MURI,
PURAKKAD VILLAGE.

BY ADV. SRI.S.SANAL KUMAR

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI. S.U. NAZER, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 4030 Of 2007

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Dated this the 10th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations, interlia, under Sections 406 and 498A IPC. He was arrested and remanded to custody and was granted bail as per order dated 8.08.05 passed by this Court in B.A.No.4881/05. The bail was granted subject to conditions. There was a condition imposed that he must undertake to deposit before the Civil Court, without prejudice to the contentions in the Civil suit, the monetory equivalent to 156 grams of gold within a period of 60 days from the date of his release from custody. It was noted that the petitioner had earlier agreed to return the gold ornaments/ the monetory equivalent of 156 grams of gold, as per the agreement executed by him.

2. The petitioner took advantage of the order dated 8.8.05 and he was enlarged on bail; but did not comply with the condition to deposit the amount as directed. The petitioner did not promptly come before this Court and claim extension of time. Long later, the petitioner came before this Court with a prayer for deletion of condition and as per the order dated 23.5.07 in Crl.M.C.No.15373/07, the petitioner's application for deletion of the said condition was dismissed. The

petitioner, who did not comply with the other conditions imposed in the order dated 8.8.05 also, ultimately surrendered before the learned Magistrate on 24.5.07. He continues in custody from that date.

3. The learned counsel for the petitioner prays that the petitioner may now be enlarged on bail, not withstanding his earlier lapses. The learned counsel for the petitioner submits that it has become impossible for him to comply with the undertaking/condition to deposit the monetory equivalent to 156 grams of gold. Even now, he cannot comply with the said condition/undertaking submits, the learned counsel for the petitioner.

4. In these circumstances, this Court called for a report from the learned Magistrate. The learned Magistrate submits that trial has already commenced and the case is now posted to 17.7.07 for examination of two witnesses. There are some more witnesses to be examined. The learned Magistrate has reported that the trial shall be completed expeditiously by holding day to day proceedings. The learned Magistrate undertakes that the case shall be disposed of by 5.9.07.

5. I am, in these circumstances, satisfied that the submissions of the learned Magistrate can be accepted and it is not necessary to direct the release of the petitioner on bail. In coming to this

conclusion, I take note of the circumstance that the conditions imposed as per order dated 8.8.05 have not been complied with and even now, there is no offer to comply with the said condition wholly or in part.

6. In these circumstances, this application is dismissed. The learned Judicial First Class Magistrate-Harippad is directed to expeditiously complete the trial by posting the case in the schedule for day to day trial from 17.7.07. Final disposal must be effected as expeditiously as possible, at any rate, before 5.9.07. Complaince shall be reported to this Court . The Registry shall communicate this order to the learned Magistrate forthwith.

(R.BASANT, JUDGE)

sj

/TRUE COPY/

P.A.TO JUDGE